

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY**

STATE OF MISSOURI, ex rel.	)	
ATTORNEY GENERAL CHRIS KOSTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1316-cv21688
	)	Division 12
WALGREEN CO.,	)	
An Illinois Corporation,	)	
	)	
Defendant.	)	

**PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE AND FOR  
JUDGMENT OF CIVIL CONTEMPT AND FOR CIVIL PENALTIES**

Plaintiff, State of Missouri, at the relation of Attorney General Chris Koster, asks this court to issue a show cause order and enter a judgment of civil contempt and for civil penalties against Defendant Walgreen Co. for violating the terms of the Consent Judgment and Permanent Injunction approved and entered by this Court against Defendant on or about June 4, 2014.

1. On August 27, 2013, Plaintiff State of Missouri filed a petition (Petition) alleging Defendant had violated RSMo Section 407.020<sup>1</sup> by displaying inaccurate sales tags, overcharging customers, and failing to remove expired sales tags, among other alleged misconduct.

2. On June 4, 2014, this Court entered the Consent Judgment and Permanent Injunction (Order or Consent Judgment), enjoining and restraining Defendant from “failing to remove from a store, within 12 hours of the time the offer expires, any Advertisement which displays an offer for a limited time period.” Order, ¶ 21.B, attached as Exhibit A.

3. Defendant entered into the Consent Judgment, agreeing to be bound by all provisions in Paragraph 21 of the Consent Judgment, including being enjoined and restrained from “failing to remove from a store, within 12 hours of the time the offer expires, any Advertisement [including sales tags] which displays an offer for a limited time period.” Order, ¶ 21.B.

4. Defendant has failed to or refused to comply with the Court’s Order on at least 1,306 separate occasions by violating the terms of the permanent injunction by displaying advertisements in its Missouri retail stores after 12 hours from when the offers expired. Plaintiff visited a total of

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<sup>1</sup>All references are to Missouri Revised Statutes 2000, unless otherwise noted. Where a citation gives a supplement year—e.g. “(Supp. 2012)” —the citation is to the version of the statute that appears in the corresponding supplementary version of the Missouri Revised Statutes, and, where relevant, to identical versions published in previous supplements.

50 Missouri Walgreen retail stores on July 26-27, 2015, as well as August 30-31 and September 1, 2015. During these visits, Plaintiff identified at least 1,306 sales tags on display after 12 hours from when the offers expired. The exact dates, specific store locations, and number of violations per date and location are detailed in the Affidavit of Shelly Land, attached as Exhibit C. *See also* Exhibit B for representative sales tags.

WHEREFORE, Plaintiff respectfully requests this Court enter an order:

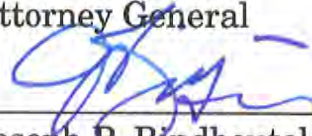
- a) directing Walgreen to appear before this Court to show cause why it should not be held in civil contempt and/or in violation of Section 407.110,
- b) ordering Walgreen to pay a civil penalty to the State of Missouri of not more than \$5,000 pursuant to Section 407.110 for each violation of this Court's June 4, 2014 Consent Judgment and Permanent Injunction that is discovered prior to the date of any finding of contempt;
- c) ordering Walgreen to pay a monetary fine or penalty to the State of Missouri for every day that Walgreen continues to display an advertisement in any Missouri retail store after 12 hours from when the offer expired, in violation of this Court's June 4, 2014 Consent

Judgment and Permanent Injunction, after the date of any finding of contempt; and

d) ordering any other appropriate remedy the Court finds just and reasonable.

Respectfully submitted,

CHRIS KOSTER  
Attorney General



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Joseph P. Bindbeutel, MO Bar # 28656  
Chief Counsel  
Consumer Protection Division  
P.O. Box 899  
Jefferson City, MO 65102  
(573) 751-7007; FAX (573) 751-2041  
joe.bindbeutel@ago.mo.gov  
ATTORNEYS FOR PLAINTIFF

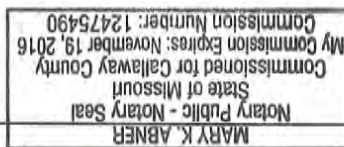
STATE OF MISSOURI       )  
                                      ) ss.  
COUNTY OF COLE        )

I, Joseph P. Bindbeutel, being first duly sworn upon my oath state that the matters stated in the foregoing Motion and Memorandum in Support are true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Joseph P. Bindbeutel

Subscribed and sworn to before me this 21st day of September, 2015.

My Commission Expires: \_\_\_\_\_



  
\_\_\_\_\_  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of September, 2015, a copy of the foregoing was filed via Missouri's electronic filing system and sent via electronic mail to the following attorneys of record:

Steven Aaron  
steven.aaron@dentons.com  
Patrick McInerney  
patrick.mcinerney@dentons.com  
Dentons US LLP  
4520 Main St #1100  
Kansas City, MO 64111



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Joseph P. Bindbeutel  
Chief Counsel  
Consumer Protection Division